

HOUSE BILL 255

D4

11r0097

By: **Chair, Judiciary Committee (By Request – Departmental – Human Resources)**

Introduced and read first time: January 31, 2011

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Adoption Search, Contact, and Reunion Services – ~~Contact~~**
3 **~~with Adopted~~ Siblings of Minors in**
4 **Out-of-Home Placement**

5 FOR the purpose of ~~requiring that a local department of social services have access to~~
6 ~~any local department adoption records on the biological siblings of a minor in~~
7 ~~out-of-home placement for a certain purpose;~~ altering the definition of “search,
8 contact, and reunion services” to include contacting certain adopted siblings of a
9 minor in out-of-home placement for a certain purpose; authorizing ~~an~~
10 ~~out-of-home placement worker~~ a director of a local department of social
11 services acting on behalf of a minor in out-of-home placement to apply for
12 search, contact, and reunion services; exempting ~~an~~
13 ~~out-of-home placement worker~~ a director of a local department of social
14 services applying for search, contact, and reunion services on behalf of a minor
15 in out-of-home placement from certain ~~requirements to execute certain written~~
16 ~~agreements~~ provisions relating to the authority of a confidential intermediary to
17 charge an applicant certain fees; and generally relating to ~~adopted siblings of~~
18 ~~minors in out-of-home placement~~ adoption search, contact, and reunion
19 services.

20 BY repealing and reenacting, with amendments,

21 Article – Family Law

22 Section ~~5-357~~, 5-4B-01, 5-4B-02, 5-4B-05, and 5-4B-11

23 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2006 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Family Law

~~5-357.~~

~~(a) (1) (i) On request of an adoptee or adoptive or former parent of an adoptee and without a showing of a need, a local department shall provide information, other than identifying information, in its adoption record on the adoptee.~~

~~(ii) If a local department denies a request under this paragraph, then on petition of an adoptee or adoptive or former parent and without a showing of need, a juvenile court shall order access for the petitioner to inspect, in accordance with subsection (b) of this section, the local department's record on the adoptee.~~

~~(2) On petition of an adoptee or adoptive or former parent of an adoptee and without a showing of need, a juvenile court shall order access for the petitioner to inspect, in accordance with subsection (b) of this section, the juvenile court's record on the adoptee.~~

~~(3) IF A MINOR ENTERS OUT-OF-HOME PLACEMENT, THE LOCAL DEPARTMENT SHALL HAVE ACCESS TO ANY LOCAL DEPARTMENT ADOPTION RECORDS ON THE MINOR'S BIOLOGICAL SIBLINGS WHO ARE AT LEAST 21 YEARS OLD TO DEVELOP A PLACEMENT RESOURCE OR FACILITATE A FAMILY CONNECTION WITH THE SIBLINGS OF THE MINOR IN OUT-OF-HOME PLACEMENT.~~

~~(b) A juvenile court may not order opened for inspection under this section any part of a record that contains identifying information.~~

5-4B-01.

(a) In this subtitle the following words have the meanings indicated.

(b) "Administration" means the Social Services Administration of the Department.

(c) "Confidential intermediary" means an individual or child placement agency qualified by the Director for the purpose of providing search, contact, and reunion services under this subtitle.

(d) "Director" means the Director of the Administration.

1 (e) "Member of the adoptive family" means an adoptive parent, grandparent,
2 brother, or sister of an adopted individual.

3 (f) "Relative" means a parent, brother, sister, child, aunt, or uncle of a
4 biological parent.

5 (g) "Search, contact, and reunion services" means services:

6 (1) to locate adopted individuals, biological parents of adopted
7 individuals, siblings of adopted individuals, and, as provided in § 5-4B-11 of this
8 subtitle, relatives and members of the adoptive family;

9 (2) to assess the mutual desire for communication or disclosure of
10 information:

11 (i) between adopted individuals and biological parents of
12 adopted individuals;

13 (ii) between adopted individuals and siblings of adopted
14 individuals; and

15 (iii) as provided in § 5-4B-11 of this subtitle, between:

16 1. adopted individuals and relatives; and

17 2. biological parents and members of the adoptive
18 family; [and]

19 (3) to provide, or provide referral to, counseling for adopted
20 individuals, biological parents of adopted individuals, siblings of adopted individuals,
21 relatives, and members of the adoptive family; AND

22 **(4) IF SIBLINGS OF A MINOR IN OUT-OF-HOME PLACEMENT WERE**
23 **ADOPTED THROUGH A ~~PUBLIC AGENCY~~ LOCAL DEPARTMENT, TO CONTACT THE**
24 **SIBLINGS TO DEVELOP A PLACEMENT RESOURCE OR FACILITATE A FAMILY**
25 **CONNECTION WITH THE SIBLINGS OF THE MINOR ~~IN-OUT-OF-HOME~~**
26 **PLACEMENT.**

27 (h) "Sibling" means a brother or sister of the whole or half blood who:

28 (1) is at least 21 years old; and

29 (2) has been adopted.

30 5-4B-02.

1 (a) (1) An adopted individual at least 21 years old may apply to the
2 Director to receive search, contact, and reunion services.

3 (2) If an adopted individual is at least 21 years old, the following
4 individuals may apply to the Director to receive search, contact, and reunion services:

5 (i) a biological parent of the adopted individual; [and]

6 (ii) a sibling of the adopted individual; AND

7 (III) ~~AN OUT-OF-HOME PLACEMENT WORKER IN A DIRECTOR~~
8 OF A LOCAL DEPARTMENT ACTING ON BEHALF OF A MINOR IN OUT-OF-HOME
9 PLACEMENT.

10 (b) An individual who applies to the Director to receive search, contact, and
11 reunion services shall supply any proof of identity or other relevant information
12 required by the Director.

13 (c) (1) The Director may establish a reasonable fee for the application for
14 search, contact, and reunion services.

15 (2) The overall amount of fees collected may not exceed the costs of
16 processing the applications.

17 (d) A parent who has had his or her parental rights terminated under
18 Subtitle 3 of this title may not apply to receive search, contact, and reunion services
19 under this subtitle.

20 5-4B-05.

21 (a) ~~(1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
22 ~~SUBSECTION, AN~~ individual who applies for search, contact, and reunion services
23 shall execute a written agreement with a confidential intermediary concerning the
24 provision of search, contact, and reunion services.

25 ~~(2) THIS SUBSECTION DOES NOT APPLY TO AN OUT-OF-HOME~~
26 ~~PLACEMENT WORKER.~~

27 (b) (1) ~~The~~ (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
28 SUBSECTION, THE confidential intermediary may charge the individual a reasonable
29 fee for search, contact, and reunion services.

30 ~~(2)~~ (II) The overall amount of fees collected may not exceed the costs
31 of providing the services.

1 **(2) THE CONFIDENTIAL INTERMEDIARY MAY NOT CHARGE A**
2 **DIRECTOR OF A LOCAL DEPARTMENT WHO APPLIES FOR SEARCH, CONTACT,**
3 **AND REUNION SERVICES ON BEHALF OF A MINOR IN OUT-OF-HOME PLACEMENT**
4 **THE FEE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.**

5 (c) The confidential intermediary shall promptly:

6 (1) file the executed agreement with the Director; and

7 (2) attempt to contact the adopted individual, the biological parent, or
8 the sibling sought by the applicant.

9 5-4B-11.

10 (a) If an individual sought by a confidential intermediary is deceased, the
11 confidential intermediary may not disclose the identity of the deceased to the
12 individual who applied for search, contact, and reunion services.

13 (b) The confidential intermediary shall report the fact that the individual
14 sought is deceased to the individual who applied for search, contact, and reunion
15 services.

16 (c) (1) If the deceased individual is a biological parent, the confidential
17 intermediary may, with the consent of the applicant, attempt to contact a relative who
18 is at least 21 years old to assess the willingness of the relative to communicate or
19 exchange information with the applicant.

20 (2) If the deceased individual is an adopted individual, the confidential
21 intermediary may, with the consent of the applicant, attempt to contact a member of
22 the adoptive family who is at least 21 years old to assess the willingness of the
23 member of the adoptive family to communicate or exchange information with the
24 applicant.

25 (3) ~~(i) [If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF~~
26 ~~THIS PARAGRAPH, IF~~ the applicant consents to contacting a relative or member of the
27 adoptive family, the applicant shall execute another written agreement with the
28 confidential intermediary concerning the provision of search, contact, and reunion
29 services under this subsection.

30 ~~(H) THIS PARAGRAPH DOES NOT APPLY TO AN~~
31 ~~OUT-OF-HOME PLACEMENT WORKER.~~

32 (4) (i) **The 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH**
33 **(II) OF THIS PARAGRAPH, THE** confidential intermediary may charge the individual
34 a reasonable fee for the additional search, contact, and reunion services described in
35 this subsection.

1 ~~(ii)~~ **2.** The overall amount of fees collected may not exceed the costs
2 of providing the services.

3 **(II) THE CONFIDENTIAL INTERMEDIARY MAY NOT CHARGE**
4 **A DIRECTOR OF A LOCAL DEPARTMENT WHO APPLIES FOR SEARCH, CONTACT,**
5 **AND REUNION SERVICES ON BEHALF OF A MINOR IN OUT-OF-HOME PLACEMENT**
6 **THE FEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

7 (5) The confidential intermediary shall promptly:

8 (i) file the executed agreement with the Director; and

9 (ii) attempt to contact the relative or member of the adoptive
10 family sought by the applicant.

11 (6) The provisions of this subtitle shall apply to search, contact, and
12 reunion services provided by a confidential intermediary under this subsection.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.